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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/804,402	03/18/2004	Clark E. Smith	C382.12-0180	7374
27367	7590	12/22/2006	EXAMINER	
WESTMAN CHAMPLIN & KELLY, P.A. SUITE 1400 900 SECOND AVENUE SOUTH MINNEAPOLIS, MN 55402-3319			FANTU, YALKEW	
		ART UNIT	PAPER NUMBER	2838
SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE		
3 MONTHS	12/22/2006	PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/804,402	SMITH ET AL.	
	Examiner Yalkew Fantu	Art Unit 2838	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 04 August 2006.

2a) This action is FINAL.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-22 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-22 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 06/14/2006

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_

5) Notice of Informal Patent Application

6) Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bertness et al (US 6,104,167) in view of Tran (US 2003/0008202).

Regarding claims 1 and 12, Bertness et al. discloses a "battery charger [figure 1] comprising: battery charging circuitry [figure 1 -12] configured to couple to a battery [8], and to provide a charging signal to the battery [col. 2, Ins 38-48]; and communication circuitry [80], coupled to the charging circuitry [via 34], configured to transmit a signal to an external device upon receipt of a charge status code from the battery charging circuitry [col. 5, Ins 5-17]." But, does not expressly disclose an external device having an alarm to notify a user upon receipt of the transmitted signal.

Tran reference, however, discloses that the external device (such as a telephone receiver, a pager, which are capable of alarming the user) has an alarm to notify a user upon receipt of transmitted signal (page, 3 par. 36-38).

Bertness et al and Tran are analogous art because they are from the same field of endeavor namely method of charging battery and battery capacity reporting.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art, to have added an alerting alarm such as a pager to the battery charging apparatus of Bertness et al. in view of the teaching of Tran.

The motivation for doing so would have been obvious in view of the teachings of Tran by adding an alerting alarm such as a pager with audio and visual, and a cell phone with text messaging features in view of the teachings of Tran Page 3 paragraph 0037; and page 4 paragraph 0046 to use the charger system to get the benefit of all added features of external devices so as to obtain the invention as specified in the claims.

Regarding claims 2 and 13, Bertness et al. discloses "a Kelvin connection configured to couple to the battery [col. 5, Ins 17-21]."

Regarding claims 3 and 14, Bertness et al. discloses, "the charge status code indicates that the battery charge is complete [col. 5, Ins 22-34]."

Regarding claims 4 and 15, Bertness et al. discloses, "the charge status code is indicative of a time remaining for the battery to be completely charged [col.. 5, Ins 22-34]."

Regarding claims 10 and 21, Bertness et al. discloses "the signal, that the communication circuitry, is configured to transmit, is a radio frequency signal [col.. 5, In 10]."

Regarding claims 11 and 22, Bertness et al. discloses "the signal, that the communication circuitry is configured to transmit, is an infrared signal [col.. 5, In 10]."

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With respect of claims 5 and 16, Bertness and Tran discloses a battery charging and notification system with an external device having an alarm to notify a user upon receipt of the transmitted signal, further more, Tran discloses the external device, to which the communication circuitry is configured to transmit the signal, is a pager configured to provide a user with an audio alert (page 3 paragraph 0036 line 5)

With respect to claims 6 and 17, Tran discloses the external device, to which the communication circuitry is configured to transmit the signal, is a pager configured to provide a user with a visual alert (Page 3 paragraph 0037 line 9).

With respect to claims 7 and 18, Tran discloses external device, to which the communication circuitry is configured to transmit the signal, is a pager configured to vibrate (Page 3 paragraph 0037 line 9). It is obvious that a pager comes with a vibrating feature.

Regarding claims 8 and 19, Tran discloses the external device, to which the communication circuitry is configured to transmit the signal, is a two-way pager (Page 3 paragraph 0037)

With respect to claims 9 and 20, Tran discloses the external device, to which the communication circuitry is configured to transmit the signal, is a cell phone (page 3 paragraph 037 lines 9 and 10) configured to provide a text message (page 3 paragraph 0037 line 10) regarding a charge status of the battery.

***Response to Arguments***

Applicant's arguments filed on 08/04/2006 have been considered but are ineffective to overcome the combined references of Bertness et al and Tran. (See the rejection above).

Applicant argues, "Bertness et al. teaches nothing about external device having an alarm... to notify a user" Bertness combined with Tran, however, discloses an external device having an alarm configured to notify a user (Tran page, 3 par. 36-38).

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yalkew Fantu whose telephone number is 571-272-8928. The examiner can normally be reached on M - F: 7- 4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Karl D. Easthom can be reached on 571-272-1989. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

KARL EASTHOM  
SUPERVISORY PATENT EXAMINER